

**UNITED STATES TRANSPORTATION COMMAND
(USTRANSCOM)
POLICY DIRECTIVE 36-4
1 June 1998**

Personnel

EMPLOYEE OVERTIME AND COMPENSATORY TIME

REFERENCES: (a) USTRANSCOM/TCJ1 PD 36-4, Employee Overtime and Work Schedules 26 May 1996, **hereby canceled**

(b) Collective Bargaining Agreement between Commander, 375th Airlift Wing (AMC), Scott Air Force Base, and National Association of Government Employees (NAGE), Local R7-23, 12 February 1996

(c) Air Force Instruction (AFI) 36-802 CH 3

(d) 5 Code of Federal Regulations (CFR) Part 550

(e) 5 Code of Federal Regulations (CFR) Part 551

(f) 5 United States Code (USC) Chapter 55, Subchapter V

(g) DOD Financial Management Regulation, Volume 8, Chapter 5

A. PURPOSE: Sets forth provisions and requirements for scheduling, recording, and compensating employees for time worked in excess of the normally scheduled, administrative workweek.

B. APPLICABILITY: This policy directive is applicable to all civilian personnel assigned to USTRANSCOM at Scott AFB, Illinois.

C. POLICIES AND PROCEDURES:

1. As a general policy, scheduling employees for work hours outside the normal administrative workweek should be discouraged. Directorates and Direct Reporting Elements (DREs) should first consider alternatives (e.g. detailing military or other Department of Defense (DOD) civilian employees) that do not require employees to work overtime. Employees required to perform overtime work must be paid or granted compensatory time off in accordance with current directives.

2. Employees classified as exempt from the Fair Labor Standards Act (FLSA) (*exempt*) and whose basic rate of pay exceeds the maximum rate for grade GS-10 may be required to take compensatory time off if they perform work which has been officially ordered or approved. If the *exempt* employee's basic rate of pay *does not* exceed the maximum rate for grade GS-10, he/she cannot be required to take compensatory time off in lieu of overtime pay. Employees to which the FLSA applies (*non-exempt*) are entitled to overtime pay if overtime work has been officially ordered and approved unless the employee requests compensatory time in lieu of overtime pay. Merely working after duty hours will not entitle the employee to compensatory time off or overtime pay. However, if the employee's supervisor knows or has reason to know that a *non-exempt* employee is working outside the normal administrative workweek, the supervisor has "suffered and permitted" that individual to accrue an entitlement to compensation for overtime. Supervisors are expected to ensure only work the Government intends to pay for is performed.
3. AF Form 428, Request for Overtime, Holiday Premium Pay, and Compensatory Time, documents approval by Directors and DRE Chiefs for overtime pay/compensatory time and Program Analysis and Financial Management Directorate, Budget Division (TCJ8-B) approval of funds availability. In an emergency, AF Form 428 may be completed and approved within 24 hours after the employee(s) worked additional hours. An example of AF Form 428 is at Attachment 1.
4. For *non-exempt* employees, overtime pay is one and one-half times the basic rate of pay. For *exempt* employees, overtime pay is one and one-half times the basic rate of pay not to exceed one and one-half times the lowest rate of a GS-10. Basic rate of pay includes any special pay rate and/or locality pay.
5. Ideally an employee should use compensatory time by the close of the next pay period. If the employee cannot be granted time off within 26 pay periods, compensatory time earned automatically converts to overtime pay.
6. To the extent possible, TDY assignments will be scheduled to allow the employee to travel during the normal administrative workweek. Occasionally an employee may be entitled to compensation due to job-related travel. Descriptions of such situations are included as Attachment 2 for non-exempt employees and Attachment 3 for exempt employees.
7. All time worked for overtime pay or compensatory time is documented on the employee's electronic timecard. Overtime/compensatory time is recorded to the nearest quarter of an hour.

8. Directors and Chiefs, DREs, should review their overtime usage and work schedules to ensure USTRANSCOM resources are effectively utilized.

D. EFFECTIVE DATE AND IMPLEMENTATION: Effective immediately.

APPROVED BY

A handwritten signature in black ink, appearing to read 'R. G. Thompson, Jr.', with a stylized, looping flourish at the end.

ROGER G. THOMPSON, JR.
Lieutenant General, U.S. Army
Deputy Commander in Chief

OPR: TCJ1-PC

Distribution: Electronic publishing.

3 Attachments

1. Sample AF Form 428
2. Compensation During Travel (Non-Exempt Employees)
3. Compensation During Travel (Exempt Employees)

REQUEST FOR OVERTIME, HOLIDAY PREMIUM PAY, AND COMPENSATORY TIME

TO BE COMPLETED BY SUPERVISOR

TO TCJ7-P (Timekeeper)		THRU TCJ8-B, TCJ7		FROM TCJ7-PQ			
JUSTIFICATION <i>(Include details requiring overtime)</i> Overtime/compensatory time required to complete tasks critical to fielding first edition of intermediate gofar training. Delay in fielding this training would have serious impact on implementing computer software that will track total distance of individual and consolidated transportation missions.				PAY PERIOD 15-28 Mar 98			
				RC/CC			
				REQUEST NUMBER TCJ7 98-01			
SSN AND NAME, OR NUMBER OF EMPLOYEES BY GRADE, AND OFFICE SYMBOL	GRADE	HOURS RE- QUESTED	DATE OVERTIME WILL BE WORKED	ESTIMATED		COMPENSATORY TIME	
				OVERTIME/ HOLIDAY RATE	TOTAL COST	HOURS	DATE
123-32-4321 Izenibblen, Joe	GS-08	10	22, 23, 24 Mar 98	\$21.51	\$215.10		
999-11-9999 Fishbiten, Frank	GS-12					2	24 Mar 98
TOTAL			10		\$215.10	2	
DATE 17 Mar 98	TYPED NAME, GRADE, AND TITLE OF REQUESTER SALLY J. FORTH, GS-13 Chief, Reeltime Division, Training			SIGNATURE OF REQUESTER			
FUND CERTIFICATION				APPROVING AUTHORITY			
ACCOUNTING CLASSIFICATION (enter appropriate accounting classification)				<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED			DATE
<input type="checkbox"/> FUNDS AVAILABLE <input type="checkbox"/> FUNDS NOT AVAILABLE	TYPED NAME, GRADE, AND TITLE LOTSA M. BAGGES, GS-12 Budget Analyst, TCJ8-B			TYPED NAME, GRADE, AND TITLE W.M. BASS, COL, usaf Director, Training			
DATE	SIGNATURE OF CERTIFYING OFFICIAL			SIGNATURE OF APPROVING AUTHORITY			

RULE	IF	AND EMPLOYEE IS	THEN
1	Employee is required to travel during regularly scheduled work hours (including <u>scheduled</u> overtime)	Non-Exempt	Compensation is authorized. ^{1, 2}
2	Employee is <u>required</u> to work while traveling	Non-Exempt	Employee is due compensation. Ex. 1 Driving is considered work while traveling. Ex. 2 Supervisor directs employee to work while traveling. Preparation of a briefing while traveling is directed because it is assigned just prior to travel and employee won't have time to prepare after arrival.
3	Employee is a passenger on a one-day assignment away from duty location, returning the same day	Non-Exempt	Compensation is authorized for all time in travel status.
4	Employee travels as a passenger on an overnight assignment on non-workdays (e.g. Assignment requires employee to stay at TDY site at least one night prior to return.)	Non-Exempt	Compensation is authorized for time spent traveling that corresponds with duty hours. (e.g. Normal work hours are Mon. - Fri., 0730 to 1700. Employee is required to travel on Sun. between hours of 1500 and 1900. Employee is entitled to pay for 2 hours on Sun. that correspond to normal work hours - 1500 to 1700, but not for travel time between the hours of 1701 to 1900.) ^{1, 2}
5	On a regular duty day, an employee is required to report to an alternate work site. The site is further from home than regular work site <u>and</u> requires additional travel time.	Non-Exempt	Compensation is due for travel time that is in excess of normal home-to-work travel time. (e.g. Employee is required to report to a site that is two and one-half hours travel time each way. Normal home to work travel time for employee is one hour each way. Three hours of the excess travel time is considered hours of work for pay. (5 travel hours - 2 normal travel hours = 3 excess travel hours)
6	Travel occurs under such arduous and unusual conditions that travel is inseparable from work	Non-Exempt	Compensation is authorized for that period of time during which travel under arduous conditions occurs. (e.g. Employee is sent to remote site as a passenger in a government vehicle. Site is accessible only by an unimproved trail, requiring use of an all-terrain vehicle. Due to poor weather conditions, the normal two hour drive took 5 hours. The employee arrived after normal duty hours.

7	Travel outside the duty area resulting from an event which could not be administratively controlled by an Agency within the Executive Branch	Non-Exempt	Compensation is authorized. ³ Ex. 1: Training by non-government entity that includes non-government and government employees as students is not considered administratively controllable and compensation is authorized for time spent traveling to and from the training. Ex. 2: A conference scheduled by DOD at 0800 hours, Monday is considered administratively controllable and compensation is only authorized if travel meets the test of one of the above rules.
---	--	------------	--

NOTES:

1. Overtime cannot be scheduled solely for the purpose of compensating the employee for time in travel status.
2. If employee chooses to use an alternate mode of travel or to travel at another time than offered or selected by the agency, compensation entitlement is for the lesser amount of actual travel time or constructed travel time had the employee used the mode of transportation on the dates and times specified by the agency.
3. The test is the ability of an executive branch agency to control the schedule. Thus Sunday travel for an 0800 Monday Federal Court (judicial agency) appearance would not be controllable. Compensation for travel time is authorized.

RULE	IF	AND EMPLOYEE IS	THEN
1	Employee is required to travel during regularly scheduled work hours (including <u>scheduled overtime</u>)	Exempt	Compensation is authorized. ^{1, 2}
2	Employee is <u>required</u> to work while traveling	Exempt	Employee is due compensation. Ex. 1 Driving may be considered work while traveling under some conditions such as driving/returning a specially equipped government vehicle. Ex. 2 Supervisor directs employee to work while traveling. Preparation of a briefing while traveling is directed because it is assigned just prior to travel and employee won't have time to prepare after arrival.
3	Employee is a passenger on a one-day assignment away from duty location, returning the same day	Exempt	Compensation authorized if within regularly scheduled administrative workweek, including regularly scheduled overtime work. Otherwise no compensation is authorized. ¹
4	Employee travels as a passenger on an overnight assignment on non-workdays (e.g. Assignment requires employee to stay at TDY site at least one night prior to return.)	Exempt	No compensation is authorized unless Rule 2, 6 or 7 apply.
5	On a regular duty day, an employee is required to report to an alternate work site. The site is further from home than regular work site and requires additional travel time.	Exempt	No compensation authorized for additional travel time occurring outside regularly scheduled administrative workweek.
6	Travel occurs under such arduous and unusual conditions that travel is inseparable from work	Exempt	Compensation is authorized for that period of time during which travel under arduous conditions occurs. (e.g. Employee is sent to remote site as a passenger in a government vehicle. Site is accessible only by an unimproved trail, requiring use of an all-terrain vehicle. Due to poor weather conditions, the normal two hour drive took 5 hours. The employee arrived after normal duty hours.

7	Travel outside the duty area resulting from an event which could not be administratively controlled by an Agency within the Executive Branch	Exempt	Compensation is authorized. ³ Ex. 1: Training by non-government entity that includes non-government and government employees as students is not considered administratively controllable and compensation is authorized for time spent traveling to and from the training. Ex. 2: A conference scheduled by DOD at 0800 hours, Monday is considered administratively controllable and compensation is only authorized if travel meets the test of one of the above rules.
---	--	--------	--

NOTES:

1. Overtime cannot be scheduled solely for the purpose of compensating the employee for time in travel status.
2. If employee chooses to use an alternate mode of travel or to travel at another time than offered or selected by the agency, no compensation entitlement is authorized other than for those hours occurring during normal duty days or regularly scheduled overtime.
3. The test is the ability of an executive branch agency to control the schedule. Thus Sunday travel for an 0800 Monday Federal Court (judicial agency) appearance would not be controllable. Compensation for travel time is authorized.